



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 31, 1995

Mr. Miles K. Risley
Assistant City Attorney
Legal Department
City of Victoria
P.O. Box 1758
Victoria, Texas 77902-1758

OR95-739

Dear Mr. Risley:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 31332.

The city of Victoria (the "city") received a request for a report the requestor made about an incident on September 25, 1994. You claim that a portion of the requested information is excepted from disclosure under section 552.101 of the Government Code.¹ You submitted an offense report to this office for review. We have considered the exception you claimed and have reviewed the documents at issue.

Section 552.101 of the act excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." You assert section 552.101 in conjunction with section 51.14(d) of the Family Code. Section 51.14(d) of the Family Code, as amended by Acts 1993, 73d Leg., ch. 461, § 3, at 1852, 1854, provides, in pertinent part:

Except as provided by Article 15.27, Code of Criminal Procedure, and except for files and records relating to a charge for which a child is transferred under Section 54.02 of this code to a criminal court for prosecution, the law-enforcement files and records [concerning a child] are not open to public inspection nor may their contents be disclosed to the public

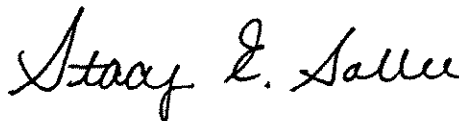
¹We understand that the city has released the remainder of the requested information to the requestor.

See also Open Records Decision No. 181 (1977) at 2 (holding that police reports which identify juveniles or furnish a basis for their identification are excepted by section 51.14(d)).

We have examined the information submitted to us for review. It appears that the records do not involve a charge for which the juvenile was transferred under section 54.02 of the Family Code. Additionally, none of the exceptions to section 51.14(d) apply here. We conclude that the portion of the report that the city wishes to withhold identifies a juvenile or furnishes a basis for a juvenile's identification and must therefore be withheld from required public disclosure under section 552.101 of the Government Code in conjunction with section 51.14(d) of the Family Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Stacy E. Sallee
Assistant Attorney General
Open Government Section

SES/LRD/rho

Ref.: ID# 31332

Enclosures: Submitted documents

cc: Mr. Eismael Ruiz, Jr.
606 1/2 Troy Street
Victoria, Texas 77901
(w/o enclosures)